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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,256	11/30/2001	Rudolph Ritter	34182	4217
116	7590	11/28/2005	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			NGUYEN, NAM V	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,256

Applicant(s)

RITTER, RUDOLPH

Examiner

Nam V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 24-31 is/are allowed.
- 6) ☒ Claim(s) 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed September 9, 2005.

An amendment to the claim 17 has been entered and made of record.

Claims 1-15 and 17-31 are pending.

Response to Arguments

In view of applicant's amendment to amend the claims 17-23 to obviate the §112 rejections, examiner believe that claims have not amended to overcome the rejection under 35 U.S.C §112, second paragraph.

Applicant's amendment and arguments with respect to claim 17 filed September 9, 2005 have been fully considered but are moot in view of the new ground(s) of rejection.

Furthermore, the claim language is not support by page 6 lines 9-12 as Applicant points out, where the embodiment of the personal terminal 4 as having its own energy supply.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the received data" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the user" in line 3. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests that "the eye of the user" should be "eye of a controller".

Referring to claims 18-23 are rejected as being dependent upon a rejected Claim 17 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797).

Referring to claim 17, Sehr discloses a portable authorization-checking device (1) (i.e. a portable terminal) for checking an access ticket of a customer (4) (i.e. a passenger) via a personal terminal (11) (i.e. a passenger card) of the customer (4) including a personal identification module (i.e. embedded circuits) (column 3 lines 57 to column 6 lines 51; column 26 lines 15 to 55; see Figures 1-2), said device comprising:

Means (14) (i.e. a computing platform) for retrieving authorization data (i.e. the data stored in the smart card for a particular itinerary, use rights for a specific transportation carrier and other services) from said personal terminal (11) (i.e. a passenger card) (column 6 lines 16 to 26; column 6 line 62 to column 7 line 9; see Figure 1), said authorization data (i.e. data stored in the smart card) for verifying the identity of the customer (4) (i.e. a passenger) and to authorize or deny the customer (4) entry to an access controlled location (i.e. an access to the transportation carriers) (column 6 lines 23 to 51; column 7 lines 25 to 64; see Figures 1 and 2);

a contactless interface (i.e. wireless communication), over which data can be transmitted contactlessly with the identification module (not shown) (i.e. embedded circuits) (column 6 lines 15 to 51), and

wherein said personal terminal (11) includes reproduction means (not shown) (i.e. a display means) with which the received data can be reproduced (i.e. display data relating to tickets, passengers, and system entities) (column 16 to 26).

However, Sehr did not explicitly disclose an energy supply for the supply of energy to the device.

In the same field of endeavor of identifying objects device, Cousins et al. teach that an energy supply (i.e. battery) for the supply of energy (i.e. energy) to the device (100) (i.e. imaging device) (column 7 lines 51 to 55; see Figures 1-4) in order to operate a portable imaging device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to have a battery to supply power for operating an imaging device of Cousins et al. in portable terminals of checking electronic passenger card in the data access travel system of Sehr because using a battery in a portable imaging device would improve the flexibility and convenient for displaying images of the passenger that has been shown to be desirable in the portable terminal of a travel system of Sehr.

Referring to claim 19, Sehr in view of Cousins et al. disclose a method of claim 17, Cousins et al. disclose further including input means (107, 127, 129 or 128) (keypad) (column 5 lines 52 to 67; see Figure 4).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797) as applied to claim 17 and in further view of Jachimowicz et al. (EP 0 564 940 A1).

Referring to claim 18, Sehr in view of Cousins et al. disclose a method of claim 17, however, Sehr in view of Cousins et al. did not explicitly disclose including glasses for presenting said authorization data.

In the same field of endeavor of identifying objects device, Jachimowicz et al. teach that Jachimowicz et al. disclose including glasses (172) for presenting said authorization data (column 7 lines 26 to column 8 line 51; see Figure 7) in order to provide convenient head mounting for display.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a glass for display real images of Jachimowicz et al. in portable terminal of Sehr in view of Cousins et al. because the desired information to be viewed in a frame for eye glass would provides convenient head mounting for display that has been shown to be desirable in the travel system utilizing multi-application passenger cards of Sehr in view of Cousins et al.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797) and Jachimowicz et al. (EP 0 564 940 A1) as applied to claim 17 and in further view of Brown et al. (US# 6,366,622).

Referring to claim 21, Sehr in view Cousins et al. and Jachimowicz et al. disclose the portable authorization-checking device of claim 17, however, Sehr in view of Cousins et al. and Jachimowicz et al. did not explicitly disclose wherein said personal identification module comprises a RFID element.

In the same field of endeavor of wireless communication system, Brown et al. teach that personal identification module comprises a RFID element (100) (column 10 line 17 to 31; see Figures 4 and 8) in order to operate more efficient in a wireless communication network.

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At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a radio frequency of a direct conversion radio device of Brown et al. in a smart passenger card of Sehr in view of Cousins et al. and Jachimowicz et al. because using a radio frequency identification card would improve the reliable and flexible communication interface that has been shown to be desirable in the travel system utilizing multi-application passenger cards of Sehr in view of Cousins et al. and Jachimowicz et al.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (US# 6,085,976) in view of Cousins et al. (US# 6,417,797) as applied to claim 17 and in further view of Brown et al. (US# 6,366,622).

Referring to claims 22-23, Sehr in view Cousins et al. disclose the portable authorization-checking device of claim 17, however, Sehr in view of Cousins et al. did not explicitly disclose wherein said data are transmitted over a Bluetooth or HomeRF interface.

In the same field of endeavor of wireless communication system, Brown et al. teach that wherein said data are transmitted over a Bluetooth or HomeRF interface (column 3 line 11 to 61; column 21 lines 25 to 42; see Figure 14) in order to operate more efficient in a wireless communication network.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a radio frequency of a direct conversion radio with a Bluetooth or HomeRF wireless communications standards of Brown et al. in a smart passenger card of Sehr in view of Cousins et al. because using a radio frequency card over a Bluetooth or HomeRF

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wireless communications standards would improve the reliable and flexible communication interface that has been shown to be desirable in the travel system utilizing multi-application passenger cards of Sehr in view of Cousins et al.

Allowable Subject Matter

Claims 1-15 and 24-31 are allowed as evident by applicant's amendment and arguments.

Claim 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Referring to claim 20, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein said input means can be controlled with the eye of a user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
November 3, 2005



MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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